

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (503) 439-8778

INTELLECTUAL PROPERTY LAW
12400 WILSHIRE BOULEVARD, 7TH FLOOR
LOS ANGELES, CA 90025

FACSIMILE: (503) 439-6073

RECEIVED
CENTRAL FAX CENTER

DEC 18 2006

FACSIMILE COVER SHEET

Deliver to: XIAO, Ke, USPTO Art Group: 2629
Facsimile No.: (571) 273-8300 Date: December 18, 2006
From: Paul A. Mendonsa, Reg. No. 42,879
Our Docket No.: 42P17654 Number of pages including this sheet.
Application No.: 10/663,316 Filing Date: 9/15/2003
Docket Due Date(s): 12/19/2006

Enclosed are the following documents:

| | |
|--|---|
| <input checked="" type="checkbox"/> Amendment: <u>After Final</u> (<u>25</u> pgs) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Appeal Brief (____ pgs) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Application: _____ (____ pgs) w/cover & abstract) | <input type="checkbox"/> Petition for: _____ |
| <input type="checkbox"/> Assignment & Cover Sheet (____ pgs) | <input type="checkbox"/> Request for Continued Examination (RCE) |
| <input checked="" type="checkbox"/> Certificate of <u>Facsimile</u> _____ | <input type="checkbox"/> Reply Brief (____ pgs) |
| <input type="checkbox"/> Continued Prosecution Application (CPA) | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i) |
| <input type="checkbox"/> Declaration & POA (____ pgs) | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request |
| <input type="checkbox"/> Drawings: ____ sheets, ____ figures | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Extension of Time: _____ | <input type="checkbox"/> Response to Written Opinion (____ pgs) |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) | <input type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> IDS & PTO/SB/08 (____ pgs) | <input type="checkbox"/> Transmittal of Publication Fee Due |
| <input type="checkbox"/> Other _____ | <input checked="" type="checkbox"/> Transmittal Letter |

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

Paul A. Mendonza
Paul A. Mendonza

12/18/2006

Date _____

Confidentiality Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (503) 439-8778 and ask for Paul A. Mendonza.


RECEIVED
CENTRAL FAX CENTER

DEC 18 2006

| | | | |
|---|--|------------------------|---------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application No. | 10/663.316 |
| | | Filing Date | September 15, 2003 |
| | | First Named Inventor | Paul S. Diefenbaugh |
| | | Art Unit | 2629 |
| | | Examiner Name | XIAO, Ke |
| Total Number of Pages in This Submission | | Attorney Docket Number | 42P17654 |

| ENCLOSURES (check all that apply) | | |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Facsimile Cover Sheet</div> |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | Paul A. Mendonsa, Reg. No. 42,879 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature | |
| Date | December 18, 2006 |

| CERTIFICATE OF MAILING/TRANSMISSION | | | |
|--|---|------|-------------------|
| I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office. | | | |
| Typed or printed name | Paul A. Mendonsa | | |
| Signature |  | Date | December 18, 2006 |

Based on PTO/SB/21 (09-04) as modified by Blakely, Sokoloff, Taylor & Zafman (ndc) 10/12/2006.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

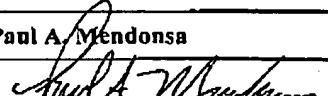
RECEIVED
CENTRAL FAX CENTER

DEC 18 2006

| | | | |
|--|--|----------------------|---------------------|
| FEE TRANSMITTAL for FY 2006 <small>Patent fees are subject to annual revision.</small> | | Complete if Known | |
| | | Application Number | 10/663,316 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. | | Filing Date | September 15, 2003 |
| | | First Named Inventor | Paul S. Dicfenbaugh |
| | | Examiner Name | XIAO, Ke |
| TOTAL AMOUNT OF PAYMENT | | (\$) | 0.00 |
| | | Art Unit | 2629 |
| | | Attorney Docket No. | 42P17654 |

| | |
|---|--|
| METHOD OF PAYMENT (check all that apply) | |
| <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____ | |
| <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: <u>Blakey, Sokoloff, Taylor & Zafman LLP</u> | |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) | |
| <input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee | |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) <input type="checkbox"/> Credit any overpayments | |
| under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. | |

| FEE CALCULATION | | | | | |
|------------------------------------|----------|--------------|----------|--|-----------|
| Large Entity | | Small Entity | | Fee Description | Fee Paid |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 2053 | 130 | 2053 | 130 | Non-English specification | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month | |
| 1253 | 1,020 | 2253 | 510 | Extension for reply within third month | |
| 1254 | 1,590 | 2254 | 795 | Extension for reply within fourth month | |
| 1255 | 2,160 | 2255 | 1,080 | Extension for reply within fifth month | |
| 1401 | 500 | 2401 | 250 | Notice of Appeal | |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal | |
| 1403 | 1,000 | 2403 | 500 | Request for oral hearing | |
| 1451 | 1,510 | 2451 | 1,510 | Petition to institute a public use proceeding | |
| 1460 | 130 | 2460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 1809 | 790 | 1809 | 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| Other fee (specify) <u>No Fees</u> | | | | | 0.00 |
| SUBTOTAL (2) | | | | | (\$) 0.00 |

| | | | |
|-------------------|---|-----------------------------------|----------------|
| SUBMITTED BY | | Complete (if applicable) | |
| Name (Print/Type) | Paul A. Mendonsa | Registration No. (Attorney/Agent) | 42,879 |
| Signature |  | Telephone | (503) 439-8778 |
| | | Date | 12/18/06 |

Based on PTO/SB/17 (12-04) as modified by Blakey, Sokoloff, Taylor & Zafman (wr) 12/15/2004.
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


RECEIVED
CENTRAL FAX CENTER

DEC 18 2006

| | | | | |
|--|--|--------------------------|---------------------|----------|
| FEE TRANSMITTAL for FY 2006 <small>Patent fees are subject to annual revision.</small> | | <i>Complete if Known</i> | | |
| | | Application Number | 10/663,316 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. | | Filing Date | September 15, 2003 | |
| | | First Named Inventor | Paul S. Diefenbaugh | |
| | | Examiner Name | XIAO, Ke | |
| | | Art Unit | 2629 | |
| TOTAL AMOUNT OF PAYMENT (\$) | | 0.00 | Attorney Docket No. | 42PT7654 |

| | |
|---|--|
| METHOD OF PAYMENT (check all that apply) | |
| <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____ | |
| <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor & Zafman LLP</u> | |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) | |
| <input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee | |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. <input type="checkbox"/> Credit any overpayments | |

| FEE CALCULATION | | | | | |
|------------------------------------|----------|--------------|----------|--|----------|
| Large Entity | | Small Entity | | Fee Description | Fee Paid |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 2053 | 130 | 2053 | 130 | Non-English specification | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month | |
| 1253 | 1,020 | 2253 | 510 | Extension for reply within third month | |
| 1254 | 1,590 | 2254 | 795 | Extension for reply within fourth month | |
| 1255 | 2,160 | 2255 | 1,080 | Extension for reply within fifth month | |
| 1401 | 500 | 2401 | 250 | Notice of Appeal | |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal | |
| 1403 | 1,000 | 2403 | 500 | Request for oral hearing | |
| 1451 | 1,510 | 2451 | 1,510 | Petition to institute a public use proceeding | |
| 1460 | 130 | 2460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 1809 | 790 | 1809 | 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| Other fee (specify) <u>No Fees</u> | | | | | 0.00 |
| SUBTOTAL (2) | | | | | 0.00 |

| | | | |
|---------------------|---|-----------------------------------|----------------|
| SUBMITTED BY | | <i>Complete (if applicable)</i> | |
| Name (Print/Type) | Paul A. Mendonsa | Registration No. (Attorney/Agent) | 42,879 |
| Signature |  | Telephone | (503) 439-8778 |
| | | Date | 12/18/06 |

Based on PTO/GB-17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/ 12/15/2004).
 SEND TO Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER

DEC 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/663,316
Applicant : DIEFENBAUGH ET AL.
Filed : September 15, 2003
TC/A.U. : 2629
Examiner : Ke Xiao

Confirmation No. 1317

Docket No. : 42P17654
Customer No. : 042390

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted
to the United States Patent and Trademark Office at:

(571) 273-8300

Facsimile Number
Signature Date DEC 18, 2006

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

In response to the Final Office Action mailed October 17, 2006, please enter this
amendment and consider the following remarks.

Amendments to Claims begin on page 2 of this paper.

Remarks begin on page 16 of this paper.

Best Available Copy